

ORIGINAL
JOHNSON UTILITIES, L.L.

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908



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RECEIVED

January 5, 2006

2006 JAN -5 P 4: 05

Ernest Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

AZ CORP COMMISSION
DOCUMENT CONTROL

RE: Johnson Utilities, H2O, Diversified Water Utilities, Queen Creek Water Company:
Compliance with Decision No. 65840
Notice of Violation from ADEQ dated December 15, 2005
WS-02987A-99-0583; WS-02987A-00-0618; W-02234A-00-0371; W-02859A-00-0774;
W-01395A-00-0784

Dear Mr. Johnson:

On December 23, 2005, Johnson Utilities, L.L.C. received a letter from the Arizona Department of Environmental Quality ("ADEQ") dated December 15, 2005, regarding the issuance of a Notice of Violation ("NOV") for the unpermitted discharge of approximately 2,500-5,000 gallons of effluent on November 13, 2005 into Queen Creek. A copy of the letter and NOV dated December 15, 2005, is attached hereto as Attachment 1. Also attached hereto is a response to the NOV from Mr. Brian Tompsett, Executive Vice President of Johnson Utilities, dated December 19, 2005 as Attachment 2. ADEQ has since issued a closure of the NOV in a letter dated January 3, 2006; an unsigned copy is attached hereto as Attachment 3. As soon as a signed copy is received, Johnson Utilities will submit a copy to the Commission.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Sincerely,

Daniel Hodges
Johnson Utilities, LLC

Cc: Steve Olea, Assistant Director
Brian Bozzo, Compliance Manager
Dick Sallquist, Sallquist, Drummond & O'Connor
Brian Tompsett, Johnson Utilities
Docket Control

ATTACHMENT 1

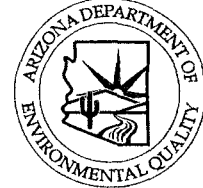


Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

DEC 23 2005



Stephen A. Owens
Director

Ref: #FS06-317
December 15, 2005

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Brian Tompsett, Executive Vice President
Johnson Utilities L.L.C.
d/b/a Johnson Utilities Company
5230 East Shea Blvd.
Scottsdale, Arizona 85254

Re: Spill Inspection of the Pecan Water Reclamation Plant (WRP), Inventory No. 105324, Place ID 18583, APP No. P105324, Type 2 Reclaimed Water General Permit Nos. R105491 and Type 3 Reclaimed Water General Permit No. R105412, Middle Gila River Watershed, Inspection ID No. 68919, Case ID No. 37416

Dear Mr. Tompsett:

Enclosed is a Notice of Violation ("NOV") and inspection report prepared by William J. Hare concerning the compliance inspection conducted at the site on November 16, 2005. The NOV is being issued for the unpermitted discharge of approximately 2,500 - 5,000 gallons of effluent on November 13, 2005 into Queen Creek.

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, an NOV has no such force or effect. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

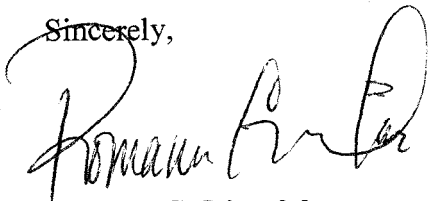
ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

If you should have any questions please contact me at (602) 771-4814, or Bill Hare at (602) 771-4838.

Sincerely,

A handwritten signature in black ink, appearing to read "Romann G. Diaz". The signature is fluid and cursive, with the first name "Romann" being more prominent.

Romann G. Diaz, Manager
Water Quality Field Services Unit

cc: **By U.S. Mail:**

Pinal County Health Department

By Interoffice Mail:

Michele Robertson, Manager, WPS, ADEQ

Vivian Burns, WQCS, ADEQ

Don Shroyer, Manager, WQDU, ADEQ

Facility File

Reading File

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION - WATER QUALITY COMPLIANCE SECTION
Field Services Unit

SUMMARY OF INSPECTION - WASTEWATER

Facility: Pecan Ranch WRP

Inventory No: 105324

Aquifer Protection Permit (APP) No: P105324

AZPDES Permit No: N/A

Reuse Permit No: R105412

Place ID: 18583

Inspected by: William J. Hare, E.P.S.

Inspection Date: November 16,
2005

Entry Time: 9:50am

Exit Time: 11:00am

Accompanied by: Gary Larsen – Operations Manager

Report Date: December 15, 2005

YES NO N/A UNKNOWN

1. WWTF quality meets the following permit requirements:
 - A. Aquifer Protection Permit
 - B. Reuse Permit
 - C. AZPDES Permit
2. A certified operator is employed by the owner per ADEQ regulations.
3. This system meets ADEQ requirements for operation and maintenance as noted in the APP

X*			
X*			
	X**		
X			
X			

*The inspection only focused on the reported effluent spill of Class B+ effluent into Queen Creek. The 3rd quarter SMRFs were reviewed for the APP.

** The discharge of approximately 2,500 -5,000 gallons of effluent into Queen Creek was a violation of A.R.S. § 49-255.01.

Facility Description:

The Pecan Water Reclamation Plant (WRP) Phase I, has the capacity to collect and treat a maximum average monthly flow of 999,998 gallons per day (g.p.d) of wastewater from an ADEQ approved service area. The total planned capacity at build-out of the WRP will be 4.0 million gallons per day (MGD). The WRP treatment process consists of an influent lift station, headworks with barscreen, extended aeration with nitrification-denitrification, clarifiers, filters,

ultraviolet (UV) disinfection, sludge digesters, sludge dewatering belt filter press, and an effluent pump station. All the WRP units are constructed of either reinforced concrete or steel. All the odor and noise producing units which include the headworks, the extended aeration process including the blower room, and the sludge dewatering belt filter press are enclosed inside a metal building with odor control scrubbers installed on all vents. The entire WRP is surrounded by an aesthetic, 6 foot tall, chain link fence and block wall. All the effluent generated is discharged for reuse as regulated under valid Reclaimed Water Reuse Permits. All of the sludge, including the screenings, grit, and scum, is hauled off site for proper disposal at an approved landfill. Depth to groundwater at the WRP site is approximately 377 feet and the direction of groundwater flow is to the northwest.

The WRP produces reclaimed water meeting Class B+ Reclaimed Water Standards (A.A.C. R18-11, Article 3) and may be delivered for beneficial use under a valid reclaimed water permit under A.A.C. R18-9 Article 7. The average monthly flow is limited to 4.0 MGD with the permit amendment. The APP was recently amended with an effective date of June 1, 2005 that reclassified the WRP as producing B+ from reclaimed water. This amendment has LTF No. 34656.

INSPECTION PURPOSE AND SCOPE

The purpose of the site visit was to inspect the details of a 2,500 -5,000 gallon reported spill of B+ effluent into Queen Creek.

Summary of Field Observations:

The following comments are based on observations made by WQFSU staff during the inspection and information furnished by the operator:

During the morning hours of November 13, 2005, the Pecan Ranch WRP experienced a 5,000-10,000 gallon effluent spill from the northwest corner of the eight acre Pecan Orchard that adjoins the Pecan WRP. An estimated 50% of the spill was discharged into adjacent Queen Creek. The reported cause of the spill was berm failure of the northwest corner of the eight acre Pecan Orchard that adjoins the WRP and Queen Creek. The following details and observations were collected during the inspection:

- The berm area for the northwest corner of the Pecan Orchard was breached causing the discharge of approximately 5,000 – 10,000 gallons of effluent. About ½ of that discharge was estimated to have reached Queen Creek. The remaining 50% was diverted or recaptured and flowed into a nearby effluent storage impoundment through a diversion canal near the service road.
- The emergency pipe that drains back into an impoundment from the orchard was mistakenly “capped” by a JU employee thereby aggravating the amount of the spill. The water depth in the Pecan Orchard was about 2 ½ feet; the water depth in the effluent storage pond was about 4-5 feet deep;

- The total amount of effluent discharged into Queen Creek is believed to be about 2,500 – 5,000 gallons. The exact amount cannot be determined at this time;
- An emergency diversion canal that diverts effluent spills back into the onsite retention basin was able to minimize the amount the spill into Queen Creek; however, that emergency drainage area became blocked with erosion and failed to prevent any water from reaching Queen Creek.
- Effluent quality was noted to be very good on the day of the inspection. The facility has not experienced any exceedances in effluent monitoring for the APP during the last several months including the 3rd quarter SMRFs for 2005;
- There was some standing water in Queen Creek. The percentage of effluent in the creek cannot be determined. The operator noted that Queen Creek flows to the west. However, a portion of the creek just northeast of the WRP was allegedly excavated by the developers and periodically acts as a retention basin with standing water. Some irrigation with potable water also runs into the creek bed from a nearby HOA area;
- At the time of the inspection, the berm area on various sides of the Pecan Orchard was being repaired. The berm was being elevated and compacted to higher levels than before the spill event.

Flow Rate information:

The operator noted that flows during recent weeks have averaged near 650,000 g.p.d. This includes the connections from Pecan Creek and various other communities including Cambria, Links Estates, etc.

Effluent quality and a review of the self monitoring report forms (SMRFs)

Effluent quality during the last quarter was good. No exceedances were noted. The rolling geometric mean for Total Nitrogen has ranged from 2-4 mg/L. No Fecal Coliform exceedances were noted during the last several months including the 3rd quarter of 2005.

Type 3 Reclaimed Water General Permit, R105412

The inspection noted that the utility had taken immediate efforts to dispose of effluent via dust control of the raw land being developed just east of the WWTP in Pecan Estates South. This application is authorized under the Type 3 Reclaimed Water General Permit IF the permit is amended to include the Pecan WRP. This application requires that the utility acquire a contract with the builder and implement additional steps as noted below:

- Signage should be in place noting the use of reclaimed water
- No runoff or ponding should occur
- The application should not come in contact with existing residential areas.

Type 2 Reclaimed Water General Permit, R105491

The inspection noted that the pecan tree orchard was being irrigated with treated effluent as authorized with the above noted Type 2 Reclaimed Water General Permit. Flood irrigation is

permissible with non-open access areas such as vineyards and orchards. The operator noted that daily inspections of the reuse area (orchard) were conducted. The inspection noted that the berm area was completely filled to the top with effluent.

Inspection of Queen Creek:

The inspection noted the presence of standing water in Queen Creek. This portion of the creek periodically has standing water. Some trees had been planted within the creek bed and irrigation runoff also causes standing water. It could not be determined what portion of the standing water was effluent versus irrigation runoff.

Efforts underway for additional disposal options of Class B+ effluent:

- Immediate remedy- JU has implemented a contract with D. R. Horton builders to utilize effluent for dust control as authorized in R105412. This project will entail the immediate use of up to 500,000 g.p.d. of effluent for dust control of raw land currently being developed for Pecan Estates South, located directly east of the WRP. The end user will be D. R. Horton builders. This project is underway and will help mitigate the problem with effluent disposal at the Pecan WRP during the next several weeks. At that point, it is hopeful that the injection wells at the WRP should be operational.
- Intermediate remedy - APP P105324 was recently amended under LTF No. 33656 that authorizes the utilization of injection wells at the Pecan WRP for recharge. Because the wells will be 140 feet deep, the Arizona Department of Water Resources (ADWR) must permit this project. The ADWR permit for this project is in the substantive review phase. JU is hopeful that the construction of the wells will be commencing in the next 2-4 weeks.
- Long Term Remedy- JU has applied for an AZPDES Permit that will authorize the discharge of treated effluent to Queen Creek. This permit is in the administrative review phase and will require a 208 approval process before it will be finalized.

Findings:

The inspection found that about 5,000 – 10,000 gallons of effluent was discharged from the reuse site. About half of that spill or 2,500 -5,000 gallons of Class B+ effluent was spilled into Queen Creek, after a bermed area for the Pecan Orchard for overtopped causing the discharge. The remaining effluent was recaptured or diverted into an onsite impoundment for effluent. This is the second spill from the bermed orchard into the adjoining wash within the last four months. JU has implemented immediate and intermediate remedies for alternative methods of effluent disposal as noted above.

Compliance Summary

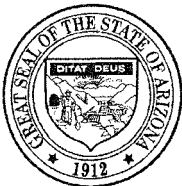
1. **Aquifer Protection Permit (APP).** (a) The APP requires daily effluent monitoring for flow. Fecal Coliform and Total Nitrogen is monitored on a monthly basis. Thirteen metals are monitored on a quarterly basis and volatile organic compounds (VOCs) are monitored on a semi-annual basis. Operational monitoring is also required on a daily basis. A review of the 3rd quarter of effluent testing did not reveal any deficiencies. **Rating: Compliance**

(b) The unpermitted discharge of 2,500 -5,000 gallons of effluent into Queen Creek on November 13, 2005 was a violation of A.R.S. § 49-255.01, as this facility does not have a valid AZPDES Permit authorizing the discharge. **Rating: Non Compliance**

2. **Operator Certification Requirements.** This facility is rated as a Grade 3 WWT and a Grade 2 WWC wastewater treatment facility. Robert Garcia is the onsite operator who is certified by ADEQ both as a Grade 4 WWT and a Grade 4 WWC.
Rating: Compliance

3. **Operation & Maintenance (O&M) Requirements.** The inspection found the WRP to be performing very well at the time of the inspection. The various components including the motors and blowers were functioning adequately. **Rating: Compliance.**

END OF REPORT



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street Phoenix, Arizona 85007
(602) 771-2300 www.azdeq.gov



Stephen A. Owens
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #: 37416

December 15, 2005

Johnson International Inc
Attention: Brian Tompsett
5230 E Shea Blvd
Ste 200
Scottsdale, AZ 85254-5750

Subject: Pecan Water Reclamation Plant, 18583
28539 N Gantzel Rd / Queen Creek, AZ 85242

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that Johnson International Inc as the owner/operator of Pecan Water Reclamation Plant, has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during an inspection completed on November 16, 2005.

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. A.R.S. § 49-255.01(A)

Addition of a pollutant to navigable waters from a point source without a permit

On November 13, 2005 the Pecan WRP discharged about 2,500-5,000 gallons of effluent from a reuse site to Queen Creek after the berm area of the site was breached.

II. DOCUMENTING COMPLIANCE

1. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or an explanation that describes efforts being undertaken to prevent a re-occurrence of such a spill.

III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Northern Regional Office
1515 East Cedar Avenue Suite F Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street Suite 433 Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper

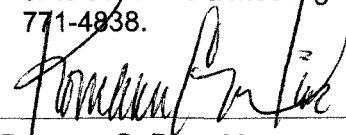
Arizona Department of Environmental Quality, Attention: William J. (Bill) Hare, Water Quality Field Service Compliance Unit, 1110 W Washington St, Phoenix, AZ 85007 MC: 5415B-1

IV. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact William J. (Bill) Hare at (602) 771-4838.


Romann G. Diaz, Manager
Water Quality Field Service Compliance Unit


William J. (Bill) Hare
Water Quality Field Service Compliance Unit

ATTACHMENT 2

JOHNSON UTILITIES, L.L.C.

5230 East Shea Boulevard * Scottsdale, Arizona 85254
PH: (480) 998-3300; FAX: (480) 483-7908

December 19, 2005

William J. Hare
Water Quality Field Service Compliance Unit, MC 5415B-1
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

RE: Notice of Violation, Case ID #: 37416

Dear Mr. Hare:

On December 15, 2005, the Arizona Department of Environmental Quality (ADEQ) issued Johnson International a Notice of Violation (NOV) for the addition of a pollutant to navigable waters from a point source without a permit violating Arizona Revised Statutes §49-255.01(A). This was a result of an accidental discharge of about 2,500 - 5,000 gallons of effluent to the Queen Creek wash after a berm breached at the Pecan Water Reclamation Plant (WRP). The following is the Johnson Utilities L.L.C. (JU) response with respect to the Notice of Violation.

1. The permittee and owner of the Pecan WRP is Johnson Utilities, L.L.C. Please correct all future correspondence. See Aquifer Protection Permit (APP) No. P-105324.
2. JU has implemented a contract with D. R. Horton builders to utilize effluent for dust control as authorized in the Type 3 Reclaimed Water General Permit-Agent, No. R-105412. This project will entail the immediate use of up to 500,000 gallons per day of effluent for dust control of raw land currently being developed for Pecan Estates South, located directly east of the WRP. The end user will be D. R. Horton builders. This project is underway and will help mitigate the effluent disposal at the Pecan WRP during the next several weeks.
3. APP No. P-105324 was amended under LTF No. 33656 that authorizes the utilization of injection wells at the Pecan WRP for recharge. Because the wells will be 140 feet deep, the Arizona Department of Water Resources (ADWR) must permit this project. The ADWR permit for this project is in the substantive review phase. JU is hopeful that the construction of the wells will be commencing in the next 2-4 weeks.
4. JU has applied for an AZPDES Permit that will authorize the discharge of treated effluent to the Queen Creek wash. This permit is in the administrative review phase and requires a 208 approval. A 208 amendment was sent to the Central Arizona Association

of Governments on November 9, 2005. The tentative timetable has a public hearing scheduled for March 2, 2006, and completion of the process ending at the April 11, 2006, State Water Quality Working Group meeting.

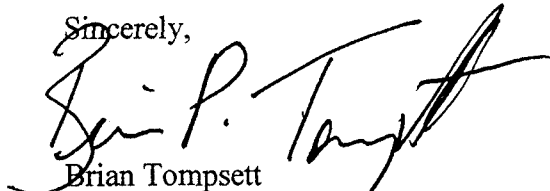
5. The APP requires daily effluent monitoring for flow. Fecal Coliform and Total Nitrogen is monitored on a monthly basis. Thirteen metals are monitored on a quarterly basis and volatile organic compounds are monitored on a semi-annual basis. Operational monitoring is also required on a daily basis. There have been no deficiencies during the 1st, 2nd, or 3rd quarters, 2005. The effluent from the Pecan WRP has consistently met the aquifer water quality standards, the numeric water quality criteria for discharging under the AZPDES rules, and BADCT standards for new sewage treatment plants. BADCT standards are equal to Class A+ reclaimed standards. Attached are effluent testing information spreadsheets submitted with the AZPDES Application documenting that the quality of the Pecan WRP's effluent meets the numeric water quality criteria.

6. The berm has been elevated and compacted to higher a level than before the spill event.

7. On November 14, 2005, Gary Larsen, Operations Manager, emailed you to report the spill and subsequent clean up and repair. On November 16, 2005, you inspected the site and issued a *Summary of Inspection – Wastewater* dated December 15, 2005. In the summary you state that "JU has implemented immediate and intermediate remedies for alternative methods of effluent disposal..." Despite all the ongoing work and the findings of your inspection, ADEQ issued an NOV for the discharge of 2,500 – 5,000 gallons of reclaimed water that meets BADCT standards in accordance with Arizona Administrative Code R18-9-B204, aquifer water quality standards, and the numeric water quality criteria for discharging under the AZPDES rules.

The above seven items demonstrate that JU has met the *Documenting Compliance* provisions of the NOV. If you have any questions or comments, please contact me at 480 998-3300.

Sincerely,



Brian Tompsett
Executive Vice President
Johnson Utilities, L.L.C.

Enclosures: Pecan WRP Effluent Information, 8/9/05
Pecan WRP Effluent Information, 8/25/05

PECAN WRP
EFFLUENT TESTING INFORMATION
8/9/2005

POLLUTANT

Date	BOD		TSS		Ammonia		TKN		Nitrate & Nitrite		Oil & Grease		Phosphorus		TDS		Flow MGD
	mg/L	lbs	mg/L	lbs	mg/L	lbs	mg/L	lbs	mg/L	lbs	mg/L	lbs	mg/L	lbs	mg/L	lbs	
7/20/2005	13.0	53.6	7.0	28.9	0.00	0.0	1.1	4.5	0.16	0.7	0.0	0.0	0.0	0.0	776	3199.0	0.494
7/13/2005	4.0	17.7	0.0	0.0	0.20	0.9	1.3	5.8	4.60	20.4	0.0	0.0	0.0	0.0	649	2875.8	0.531
7/8/2005	18.0	80.2	0.0	0.0	0.24	1.1	1.7	7.6	5.60	25.0	0.0	0.0	0.0	0.0	712	3172.8	0.534
7/11/2005	9.0	37.4	1.0	4.2	0.00	0.0	1.6	6.6	6.70	27.8	0.0	0.0	0.0	0.0	624	2593.2	0.498
6/29/2005	8.0	29.5	0.0	0.0	0.00	0.0	1.6	5.9	4.18	15.4	0.0	0.0	0.0	0.0	660	2434.4	0.442
6/22/2005	8.0	28.7	1.0	3.6	0.00	0.0	0.0	0.0	3.01	10.8	0.0	0.0	0.0	0.0	804	2885.0	0.430
6/17/2005	9.0	33.0	12.0	44.0	0.00	0.0	0.0	0.0	4.49	16.4	0.0	0.0	0.0	0.0	652	2388.6	0.439
6/15/2005	16.0	58.9	2.0	7.4	0.00	0.0	0.0	0.0	4.62	17.0	0.0	0.0	0.0	0.0	780	2870.5	0.441
6/6/2005	8.0	29.2	3.0	11.0	0.00	0.0	1.7	6.2	1.50	5.5	0.0	0.0	0.0	0.0	571	2087.1	0.438
6/1/2005	26.0	95.0	7.0	25.6	0.00	0.0	0.0	0.0	2.65	9.7	0.0	0.0	0.0	0.0	697	2547.6	0.438
Max	26.0	95.0	12.0	44.0	0.2	1.1	1.7	7.6	6.7	27.8	0.0	0.0	0.0	0.0	804.0	3199.0	
Average	11.9	46.3	3.3	12.4	0.04	0.2	0.9	3.7	3.8	14.9	0.0	0.0	0.0	0.0	692.5	2705.4	

PARAMETER

Date	Cl2 Residual		DO		PH		TEMP		Flow		TEMP		Date
	mg/L	lbs	mg/L	lbs			c	F	MGD		c	F	
7/1/2005	2.2	9.1			6.9				0.498		20.1	68.18	1/1/2005
7/5/2005	2.2	8.8	2.3	9.2					0.481		20.4	68.72	1/11/2005
7/7/2005	2.2	9.2			6.9				0.501		21.0	69.8	1/17/2005
7/8/2005	2.2	9.8			7.0		27.1	80.78	0.534		22.1	71.78	1/24/2005
7/11/2005	1.9	8.1			6.9				0.510		21.0	69.8	1/31/2005
7/12/2005	1.5	6.3	1.8	7.6	6.6				0.505				
7/15/2005					6.8				0.547				
7/19/2005	2.2	10.2	1.8	8.3					0.555				
7/21/2005	2.2	9.6			7.4				0.525				
7/22/2005	2.2	9.4			7.5		27.8	82.04	0.514				
7/26/2005			2.2	10.1					0.551				
7/27/2005	2.2	10.2							0.553				
7/28/2005	2.2	8.9			6.9		28.2	82.76	0.485				
Min					6.6								
Max	2.2	10.2	2.3	10.1	7.5		28.2	82.8			22.1	71.8	
Average	2.1	9.1	2.0	8.8	7.0		27.7	81.9			20.9	69.7	

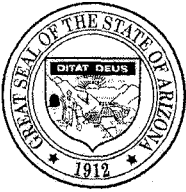
PECAN WRP
EFFLUENT TESTING INFORMATION
8/25/05

Pollutant	MAXIMUM DAILY DISCHARGE		AVERAGE DAILY DISCHARGE			ANALYTICAL METHOD	MDL
	[mg/L]	[lbs]	[mg/L]	[lbs]	# of Samples		
Metals							
Antimony	0	0	0	0	3	EPA 200.9	0.004
Arsenic	0.003	0.00703	0.00267	0.00703	3	EPA 200.9	0.002
Beryllium	0	0	0	0	3	EPA 200.7	0.01
Cadmium	0.0002	0	6.7E-05	0	3	EPA 200.9	0.0002
Chromium	0	0	0	0	3	EPA 200.7	0.005
Copper	0	0	0	0			
Lead	0	0	0	0	3	EPA 200.9	0.002
Mercury	0	0	0	0	3	EPA 245.1	0.0002
Selenium	0	0	0	0	3	EPA 200.9	0.002
Silver	0	0	0	0			
Thallium	0	0	0	0	3	EPA 200.9	0.001
Zinc	0	0	0	0			
Cyanide	0	0	0	0	3	SM 4500 CN E	0.0097
Total Phenolic Compounds	0	0	0	0			
Hardness(as CaCO3)	0	0	0	0			
Volatile Organic Compounds							
Acrolein	0	0	0	0			
Acrylonitrile	0	0	0	0			
Benzene	0	0	0	0	3	EPA 624	0.002
Bromoform	0	0	0	0	3	EPA 624	0.002
Carbon Tetrachloride	0	0	0	0	3	EPA 624	0.002
Chlorobenzene	0	0	0	0	3	EPA 624	0.002
Chlorodibromomethane	0.00289	0	0.00096	0	3	EPA 624	0.002
Chloroethane	0	0	0	0	3	EPA 624	0.002
2-Chloroethylvinylether	0	0	0	0			
Chloroform(Trichloromethane)	0.011	0.02579	0.00867	0.02579	3	EPA 624	0.002
Dichlorobromomethane	0.00898	0.01477	0.00509	0.01477	3	EPA 624	0.002
1,1-Dichloroethane	0	0	0	0	3	EPA 624	0.002
1,2-Dichloroethane	0	0	0	0	3	EPA 624	0.002
trans-1,2-Dichloroethylene	0	0	0	0	3	EPA 624	0.002
1,1-Dichloroethylene	0	0	0	0	3	EPA 624	0.002
cis-1,2-Dichloroethylene	0	0	0	0	3	EPA 624	0.002
1,2-Dichloropropane	0	0	0	0	3	EPA 624	0.002
1,3-Dichloropropylene	0	0	0	0			
Dichloromethane	0	0	0	0	3	EPA 624	0.002
Ethylbenzene	0	0	0	0	3	EPA 624	0.002
Methyl Bromide(Bromomethane)	0	0	0	0	3	EPA 624	0.005
Methyl Chloride(Chloromethane)	0	0	0	0	3	EPA 624	0.002
Methylene Chloride	0	0	0	0			
Styrene	0	0	0	0	3	EPA 624	0.002
1,1,2,2-Tetrachloroethane	0	0	0	0	3	EPA 624	0.002
Tetrachloroethylene	0	0	0	0	3	EPA 624	0.002
Toluene	0	0	0	0	3	EPA 624	0.002
Trihalomethanes (Total)	0.0223	0.0408	0.01477	0.0408	3	EPA 624	0.002
1,2,4-Trichlorobenzene	0	0	0	0	3	EPA 624	0.002
1,1,1-Trichloroethane	0	0	0	0	3	EPA 624	0.002

PECAN WRP
EFFLUENT TESTING INFORMATION
8/25/05

1,1,2-Trichloroethane	0	0	0	0	3	EPA 624	0.002
Trichloroethylene	0	0	0	0	3	EPA 624	0.002
Vinyl Chloride	0	0	0	0	3	EPA 624	0.005
Xylenes (Total)	0	0	0	0	3	EPA 624	0.006
Base-Neutral Compounds							
1,2-Dichlorobenzene	0	0	0	0	3	EPA 624	0.002
1,3-Dichlorobenzene	0	0	0	0	3	EPA 624	0.002
1,4-Dichlorobenzene	0	0	0	0	3	EPA 624	0.002

ATTACHMENT 3



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

January 3, 2006
Ref: #FS06-332

Case ID # 37416

Mr. Brian Tompsett, Executive Vice President
Johnson Utilities L.L.C.
d/b/a Johnson Utilities Company
5230 East Shea Blvd.
Scottsdale, Arizona 85254

Subject: Closure of the December 15, 2005 Notice of Violation Regarding the Effluent Spill into Queen Creek from the Pecan WRP

Dear Sir:

The Arizona Department of Environmental Quality (ADEQ) has closed the Notice of Violation (NOV) issued to the Johnson Utilities as the owner and operator of the Pecan WRP on December xx, 2005. ADEQ has closed the NOV based upon its determination that the Johnson Utilities has met the *Documenting Compliance* provisions of the NOV.

ADEQ will not proceed with further action at this time. However, if additional information regarding the alleged violations is discovered, or if further violations occur, ADEQ may reconsider its position and take additional action as appropriate and as allowed by law.

Thank you for your efforts to comply with the Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at 602 771 4841.

Sincerely,

Romann G. Diaz, Manager
Water Quality Field Services Unit

cc: Pinal County Health Department
Vivian Burns, Program and Project Specialist

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ
86004

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400 West Congress Street • Suite 433 • Tucson, AZ
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